IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Brian Wright,) Case No. 3:23-cv-04978-JDA-PJG
Plaintiff,)
V.	OPINION AND ORDER
Enviri Corporation d/b/a Harsco Rail,	
Defendant.)

This matter is before the Court on Defendant's partial motion to dismiss the First, Second, Fourth, and Fifth causes of action in the Amended Complaint. [Doc. 13.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings.

On March 1, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Defendant's partial motion to dismiss be granted as to Plaintiff's Title VII retaliation claim because it is time barred to the extent it relies on any discrete acts that purportedly took place before November 5, 2021. [Doc. 22.] As to Plaintiff's other causes of action, the Magistrate Judge recommended that Defendant's motion to dismiss be denied. [Id.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Neither party has filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The

Court is charged with making a de novo determination of any portion of the Report of the

Magistrate Judge to which a specific objection is made. The Court may accept, reject, or

modify, in whole or in part, the recommendation made by the Magistrate Judge or

recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b).

The Court will review the Report only for clear error in the absence of an objection. See

Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating

that "in the absence of a timely filed objection, a district court need not conduct a de novo

review, but instead must only satisfy itself that there is no clear error on the face of the

record in order to accept the recommendation." (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report

of the Magistrate Judge for clear error. Having done so, the Court accepts the Report

and Recommendation of the Magistrate Judge and incorporates it by reference.

Accordingly, Defendant's partial motion to dismiss the Amended Complaint [Doc. 13] is

GRANTED as to Plaintiff's Title VII retaliation claim and DENIED as to Plaintiff's

remaining causes of action.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

March 22, 2024 Greenville. South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules

3 and 4 of the Federal Rules of Appellate Procedure.

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